

House Amendment 8181

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1 1 Amend House File 2527 as follows:
1 2 #1. Page 29, by inserting after line 9 the
1 3 following:
1 4 <Sec. _____. Section 280.12, subsection 2, Code
1 5 2005, is amended by adding the following new
1 6 paragraph:
1 7 NEW PARAGRAPH. f. Harassment or bullying
1 8 prevention goals, programs, training, and other
1 9 initiatives.
1 10 Sec. _____. NEW SECTION. 280.28 HARASSMENT AND
1 11 BULLYING PROHIBITED == POLICY == IMMUNITY.
1 12 1. PURPOSE == FINDINGS == POLICY. The state of
1 13 Iowa is committed to providing all students with a
1 14 safe and civil school environment in which all members
1 15 of the school community are treated with dignity and
1 16 respect. The general assembly finds that a safe and
1 17 civil school environment is necessary for students to
1 18 learn and achieve at high academic levels. Harassing
1 19 and bullying behavior can seriously disrupt the
1 20 ability of school employees to maintain a safe and
1 21 civil environment, and the ability of students to
1 22 learn and succeed. Therefore, it is the policy of the
1 23 state of Iowa that school employees, volunteers, and
1 24 students in Iowa schools shall not engage in harassing
1 25 or bullying behavior.
1 26 2. DEFINITIONS. For purposes of this section,
1 27 unless the context otherwise requires:
1 28 a. "Harassment" and "bullying" shall be construed
1 29 to mean the same and mean any conduct toward a student
1 30 that is based on any actual or perceived trait or
1 31 characteristic of the student and that creates an
1 32 objectively hostile school environment which meets any
1 33 of the following conditions:
1 34 (1) Places the student in reasonable fear of harm
1 35 to the student's person or property.
1 36 (2) Has a substantially detrimental effect on the
1 37 student's physical or mental health.
1 38 (3) Has the effect of substantially interfering
1 39 with a student's academic performance.
1 40 (4) Has the effect of substantially interfering
1 41 with the student's ability to participate in or
1 42 benefit from the services, activities, or privileges
1 43 provided by a school.
1 44 b. "Trait or characteristic of the student"
1 45 includes, but is not limited to, age, color, creed,
1 46 national origin, race, religion, marital status, sex,
1 47 sexual orientation, gender identity, physical
1 48 attributes, physical or mental ability or disability,
1 49 ancestry, political party preference, socioeconomic
1 50 status, or familial status.
2 1 3. POLICY. On or before January 1, 2007, the
2 2 board of directors of a school district and the
2 3 authorities in charge of each accredited nonpublic
2 4 school shall adopt a policy declaring harassment and
2 5 bullying in schools, on school property, and at any
2 6 school function, or school-sponsored activity
2 7 regardless of its location, in a manner consistent
2 8 with this section, as against state and school policy.
2 9 The board and the authorities shall make a copy of the
2 10 policy available to all school employees, volunteers,
2 11 students, and parents and shall take all appropriate
2 12 steps to bring the policy against harassment and
2 13 bullying, and the responsibilities set forth in the
2 14 policy to the attention of school employees,
2 15 volunteers, students, and parents. Each policy shall,
2 16 at a minimum, include all of the following components:
2 17 a. A statement declaring harassment and bullying
2 18 to be against state and school policy. The statement
2 19 shall include, but not be limited to, the following
2 20 provisions:
2 21 (1) School employees, volunteers, and students in
2 22 school, on school property, or at any school function
2 23 or school-sponsored activity shall not engage in
2 24 harassing and bullying behavior.

2 25 (2) School employees, volunteers, and students
2 26 shall not engage in reprisal, retaliation, or false
2 27 accusation against a victim, witness, or an individual
2 28 who has reliable information about such an act of
2 29 harassment or bullying.

2 30 b. A definition of harassment and bullying that is
2 31 no less inclusive than the definition set forth in
2 32 this section.

2 33 c. A description of the type of behavior expected
2 34 from school employees, volunteers, and students
2 35 relative to prevention measures, reporting, and
2 36 investigation of harassment or bullying.

2 37 d. The consequences and appropriate remedial
2 38 action for a person who violates the harassment and
2 39 bullying policy.

2 40 e. A procedure for reporting an act of harassment
2 41 or bullying, including the identification by job title
2 42 of the school official responsible for ensuring that
2 43 the policy is implemented, and the identification of
2 44 the person or persons to whom reports of harassment or
2 45 bullying shall be submitted.

2 46 f. A procedure for the prompt investigation of
2 47 complaints, either identifying the school principal,
2 48 or the principal's designee as the individual
2 49 responsible for conducting the investigation,
2 50 including a statement that investigators will consider
3 1 the totality of circumstances presented in determining
3 2 whether conduct objectively constitutes harassment or
3 3 bullying under this section.

3 4 g. A statement of the manner in which the policy
3 5 will be publicized.

3 6 4. PROGRAMS ENCOURAGED. The board of directors of
3 7 a school district and the authorities in charge of
3 8 each accredited nonpublic school are encouraged to
3 9 establish programs designed to eliminate harassment
3 10 and bullying in schools. To the extent that funds are
3 11 available for these purposes, school districts and
3 12 accredited nonpublic schools shall do the following:

3 13 a. Provide training on harassment and bullying
3 14 policies to school employees and volunteers who have
3 15 significant contact with students.

3 16 b. Develop a process to provide school employees,
3 17 volunteers, and students with the skills and knowledge
3 18 to help reduce incidents of harassment and bullying.

3 19 5. IMMUNITY. A school employee, volunteer, or
3 20 student, or a student's parent or guardian, who
3 21 promptly, reasonably, and in good faith reports an
3 22 incident of harassment or bullying, in compliance with
3 23 the procedures in the policy adopted pursuant to this
3 24 section, to the appropriate school official designated
3 25 by the school district or accredited nonpublic school,
3 26 shall be immune from civil or criminal liability
3 27 relating to such report, as well as for participating
3 28 in any administrative or judicial proceeding resulting
3 29 from or relating to the report.

3 30 6. COLLECTION REQUIREMENT. The board of directors
3 31 of a school district and the authorities in charge of
3 32 each nonpublic school shall develop and maintain a
3 33 system to collect harassment and bullying incidence
3 34 data.

3 35 7. INTEGRATION OF POLICY AND REPORTING. The board
3 36 of directors of a school district and the authorities
3 37 in charge of each nonpublic school shall integrate its
3 38 antiharassment and antibullying policy into the
3 39 comprehensive school improvement plan required under
3 40 section 256.7, subsection 21, and shall report data
3 41 collected under subsection 6, as specified by the
3 42 department to the local community.

3 43 8. EXISTING REMEDIES NOT AFFECTED. This section
3 44 shall not be construed to preclude a victim from
3 45 seeking administrative or legal remedies under any
3 46 applicable provision of law.>

3 47 #2. Page 35, by inserting after line 14 the
3 48 following:

3 49 <Sec. _____. STATE MANDATE FUNDING SPECIFIED. In
3 50 accordance with section 25B.2, subsection 3, the state
4 1 cost of requiring compliance with any state mandate
4 2 included in the sections of this Act amending section
4 3 280.12 and enacting section 280.28 shall be paid by a
4 4 school district from state school foundation aid
4 5 received by the school district under section 257.16.

4 6 This specification of the payment of the state cost
4 7 shall be deemed to meet all the state funding-related
4 8 requirements of section 25B.2, subsection 3, and no
4 9 additional state funding shall be necessary for the
4 10 full implementation of those sections of this Act by
4 11 and enforcement of those sections of this Act against
4 12 all affected school districts.>
4 13 [#3.](#) By renumbering as necessary.
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4 16 _____
4 17 WENDT of Woodbury
4 18 HF 2527.206 81
4 19 kh/sh/4047